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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,607	07/16/2003	Yasuhide Tani	2018-750	6537

23117 7590 12/01/2004

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EXAMINER
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BARNEY, SETH E

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,607	<b>Applicant(s)</b> TANI ET AL.	
	<b>Examiner</b> Seth Barney	<b>Art Unit</b> 3752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7,12-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-33 is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/5/04, 4/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 4, 5, 7, 12, 13-24, and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Although not designated by applicant the examiner has additionally withdrawn claims 13-15 and 18-24 because claim 13 recites "a thin wall portion and thick wall portion", which is directed towards Figure 2 and is a non elected species. Election was made **without** traverse in the reply filed on October 25, 2004.

2. Claim 25 is generic to Species B, Figures 6-10 and Species C, Figures 11-12B and is allowable. Accordingly, the restriction requirement as to the encompassed species Figures 11-12B is hereby withdrawn and claim 33, directed to the species of Figures 11-12B no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. However, claims 13-24, directed to the species of Figures 1-5 remain withdrawn from consideration since claims 13-24 do not depend upon or otherwise include all the limitations of an allowed generic claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,273,215 to Hans.

Regarding claim 1, Hans discloses a fuel injection device having:

- a valve body (1) with a downstream opening (11),
- a fuel passage communicated with the opening (not labeled, see Figure 1),
- a valve seat (8) adjacent to the downstream opening,
- a valve member (12) located radially inward of the valve body and is seatable against the valve seat,
- an injection hole plate (15) including a cover wall, which covers the downstream end opening of the valve body, wherein the cover wall includes at least one injection hole (16) formed in the cover wall,
- a nozzle holder (22) that receives the valve body wherein the nozzle holder includes a support portion, which supports a downstream end surface of the cover wall of the injection hole plate, and the injection hole plate is welded (9) to one of the valve body and the nozzle holder. See Figure 1.

Regarding claim 2, the injection hole plate is clamped between the valve body and the support portion of the nozzle holder. See Figure 1.

Regarding claim 3, the injection hole plate is clamped between the valve body and the nozzle holder.

Regarding claim 6, the injection hole plate includes a peripheral wall, which extends from the cover wall in an upstream direction, and the peripheral wall is fitted to one of the valve body and the nozzle holder. See Figure 1.

Regarding claim 8, the cover wall of the injection hole plate is welded (9) to one of the valve body and the nozzle holder at the welding portion, which located radially outward of the injection hole. See Figure 1.

Regarding claim 9, the downstream end surface (13) of the valve member is generally flat.

Regarding claim 10, the downstream end of the valve member and the injection hole plate define a generally flat fuel space therebetween. See Figure 1.

Regarding claim 11, the fuel injection device is capable of being used as a direct injection type.

#### ***Allowable Subject Matter***

5. Claims 25-33 allowed.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,712,297 to Sugiyama discloses a fuel injector having a injector plate with downstream peripheral walls. U.S. Patent No. 5,680,992 to Grytz discloses a fuel injector having an injector plate with downstream peripheral walls and clamped between a valve body and a nozzle holder.


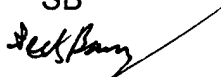
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seth Barney  
Examiner  
Art Unit 3752

SB



David A. Scherbel  
Supervisory Patent Examiner  
Group 3700